

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFEREY CONFAIR,	:	
Plaintiff,	:	CIVIL ACTION NO. 3:15-1098
v.	:	(MANNION, D.J.) (COHN, M.J.)
CAROLYN W. COLVIN, Commissioner of Social Security,	:	
Defendant.	:	

MEMORANDUM

Pending before the court is the report and recommendation of Magistrate Judge Gerald B. Cohn, (Doc. 19), which recommends that the decision of the Commissioner of Social Security (“Commissioner”) denying plaintiff’s application for disability insurance benefits under the Social Security Act, [42 U.S.C. §§401-433, 1382-1383](#), be affirmed, and that plaintiff’s appeal, (Doc. 1), be denied. Neither the plaintiff nor the defendant have objected to Judge Cohn’s report and recommendation, and the time within which to do so has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co.](#)

[v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

Judge Cohn has thoroughly reviewed the record in this action pursuant to [42 U.S.C. §405\(g\)](#), and he has determined that there is substantial evidence to support the Commissioner's decision that the plaintiff could perform sedentary work in the national economy despite his continued post-operative symptoms. (Doc. 19). The court has reviewed each of the recommended bases presented by Judge Cohn for denying the plaintiff's appeal. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in the report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: October 31, 2016

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